

# **Exhibit E**

**TERMS FOR WHICH DEFENDANTS ADOPT  
*AMAZON* CONSTRUCTIONS AND RESERVE  
APPEAL RIGHTS**

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**Exhibit 3 – Defendants’ Preliminary Claim Construction Chart**  
**For U.S. Patent No. 5,715,314 (“the ‘314 Patent”), U.S. Patent No. 5,909,492 (“the ‘492 Patent”), and U.S. Patent No. 7,272,639 (“the ‘639 Patent”) Adopting Claim Construction Positions Taken by Defendants’ in *Soverain v. Amazon***<sup>1</sup>

No.	Claims	Term	Defendants’ Construction	Support for Construction
1	1, 10, 60, 65, 78, 79 (‘639)	service request	An HTTP request message as defined by the HTTP method as it existed on June 7, 1995.	Corresponding record in <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 6:04-cv-14, in particular: Defendants’ P.R. 4-3 submission, Defendants’ claim construction briefs, the Markman hearing transcript, and the <i>Amazon</i> Markman Order.
2	1, 10, 60, 65, 78, 79 (‘639)	Session	An uninterrupted series of requests and responses between (1) a specific client (identified by its network address and user) and (2) a specific server system.	Corresponding record in <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 6:04-cv-14, in particular: Defendants’ P.R. 4-3 submission, Defendants’ claim construction briefs, the Markman hearing transcript, and the <i>Amazon</i> Markman Order.
3	1, 10, 60, 65, 78, 79 (‘639)	Session identifier	A value with multiple fields whose cryptographic authentication indicates to an access-controlling server that the client identified in the session identifier is authorized to access the requested file.	Corresponding record in <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 6:04-cv-14, in particular: Defendants’ P.R. 4-3 submission, Defendants’ claim construction briefs, the Markman hearing transcript, and the <i>Amazon</i> Markman Order.
4	34, 39, 84, 144 (‘314) 17, 18, 35,	shopping cart message	A message containing an authenticator based on a cryptographic key, whose authentication indicates that that the	Corresponding record in <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 6:04-cv-14, in particular: Defendants’ P.R. 4-3 submission,

<sup>1</sup> Nothing in this Defendants’ Preliminary Claim Construction Chart should be caused as a waiver of Defendants’ invalidity defenses under 35 U.S.C. §112. Defendants expressly preserve their rights to continue to pursue their invalidity defenses under 35 U.S.C. §112 subsequent to the Court’s Claim Construction.

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No.	Claims	Term	Defendants' Construction	Support for Construction
	36 ('492)		user has authority to modify a shopping cart.	Defendants' claim construction briefs, the Markman hearing transcript, and the <i>Amazon</i> Markman Order.
5	34, 35, 39, 49, 74, 84, 109, 134, 144('314) 17, 18, 35, 36 ('492)	shopping cart computer <sup>2</sup>	A single computer (not a collection of computers), separate from a computer providing product descriptions to a user.	Corresponding record in <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 6:04-cv-14, in particular: Defendants' P.R. 4-3 submission, Defendants' claim construction briefs, the Markman hearing transcript, and the <i>Amazon</i> Markman Order.

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<sup>2</sup> This position is only taken by Defendant Newegg, Inc.